

EMPLOYEE'S GUIDE TO HEARINGS FOR EXPEDITED WORKERS COMPENSATION TERMINATION OR REDUCTION OF BENEFITS

A new law, effective July 1, 2008, allows an employer or industrial insurance carrier to petition the Commission to terminate ongoing workers compensation benefits. The hearing process is not like a workers compensation hearing when a claim for payment is denied. This fact sheet outlines the new hearing process.

Employer/Insurance Carrier Request for Hearing to Terminate/Reduce Benefits

Compensation cannot be terminated or reduced until an Application for Hearing is filed by the employer/insurance carrier, a hearing is held and a written decision is issued by a Commission Administrative Law Judge. Hearings must be held in all cases when an application is filed. The expedited hearing process must be completed within 45 days of filing.

An employer or insurance carrier must file:

1. Application For Termination or Reduction of Benefits
2. Supply the following supporting documents:
 - Supporting medication documentation setting forth any medical restrictions/functions/abilities of the employee
 - Proof of service of the application upon the employee
 - Persons with Knowledge List listing all persons who may have knowledge of the events or circumstances related to the compensation termination/reduction request and a statement of whether the employer/carrier will have this person available at the hearing

Once the Application and supporting documents are filed, the Adjudication Division will automatically schedule a hearing within 30 days of filing. This hearing will take place whether or not the employee intends to participate.

Fifteen days prior to the scheduled hearing, the employee must:

1. Give the employer/insurance carrier a list of all witnesses the employee intends to have testify at the hearing. The employee is presumed to be testifying at the hearing and does not need to be disclosed.
2. Give the employer a copy of all hearing exhibits the employee intends to present at the hearing

Subpoenas may be submitted to the Administrative Law Judge for issuance to compel witnesses to attend the hearing using Commission subpoena forms. The party requesting the subpoena must arrange to have the subpoena served upon the witness.

Witnesses or evidence not disclosed prior to the hearing will not be admitted at the hearing.

Adjudication Division Evidentiary Hearing

The Evidentiary Hearing is a formal hearing similar to a court hearing. Testimony is taken under oath and evidence is presented. Hearings are held in the Labor Commission Salt Lake City office or in St. George for residents of Southern Utah. The case will be heard by an Administrative Law Judge.

The Administrative Law Judge will not announce a decision at the hearing, but will issue a written decision that is mailed to the parties. The Judge must issue a written decision within 45 days of the date the hearing application was filed.

Filing a Motion for Review

If either party is dissatisfied with the decision of the Administrative Law Judge, either party may file a Motion for Review within 30 days of the date of the Order.

The Administrative Law Judge will refer the case for review to the Labor Commissioner or, Appeals Board if requested.

Appealing a Decision to the Labor Commissioner or Appeals Board

After the Motion for Review is referred for review, the file will be studied by the office of General Counsel and presented to the Commissioner or Appeals Boards. The Commissioner or Appeals Board may affirm, amend, modify or reverse the Administrative Law Judge's Order or return the case to the Judge for further proceedings or findings.

Using the Court Systems

Either party may appeal the final ruling of the Labor Commission to the Utah Court of Appeals with a Notice of Appeal. You must file the Notice of Appeal within 30 days of the date on the Commission's written decision. The Court of Appeals may hear oral arguments in the case (no new evidence will be considered) and may affirm, amend, modify or reverse the Commission's decision or may even return the case to the Commission for further proceedings or findings.

Either party may appeal the case to the Utah Supreme Court. However, the claim may be heard only at the Court's discretion.

If you have questions, call the Labor Commission at 530-6800 or use the statewide toll free number 1-800-530-5090.